TEN MATTERS WORTHY OF NOTE:

I. The Declaration or Reſolution of the Officers in the County of *Eſſex*, to the Earle of *Warwick*, L. Lievtenant of that County.

II. The Lord *Willoughby* of *Parham* his Letter to an Honorable Member of the *PARLIAMENT*.

III. His Maieſties Letter to the *Lord Willoughby* of *Parham*.

IIII. The Lord *Willoughby* of *Parham* his Letter, in anſwer to His Maieſtie.

V. With the Meſſage of the Lords to the Houſe of Commons upon the ſaid Letrers.

VI. Alſo the Lord of *Warwicks*, Letter to his Brother the Earle of *Holland*;

VII. With the Approbation of both Houſes concerning the ſame.

Die Iovis, 9. *Iunii*, 1642.

Ordered by the Lords in Parliament, That theſe ſeverall Letters and Reſolutions ſhall be forthwith Printed and Puliſhed.

Ioh. Brown, Cler. Parliament.

BIBLIOTHECA BODLEIANA

VIII. And alſo a Proclamation by the King, proclaimed in *London* the Ninth of *Iune*, 1642. concerning Sir *John Hotham*, and the *Militia*.

IX. And a Declaration of the Lords and Commons in Parliament concerning the ſaid Proclamation.

X. With the Statute of the 7. *Edward* 1.

LONDON, Printed by *F. L.* for *Tho: Bankes*. 1642.

The Declaration or Resolution of the Officers in the County of Essex, *to the Earle of* Warwick, *Lord Lieutenant of that County.*

WE the Captaines and Lieutenants with the full consent of the trained bands and Volunteers of the said County now assembled, having before the accesse of this present Parliament seene our Religion, our Lawes, our liberties and estates brought to the brinke of ruine and subversion by the results of most desperate and wicked Counsels, could not but with exceeding joy behold the assembling and continuance of so great and faithfull a Councell (be representative body of this Kingdome) and with most certaine confidence commilt thereto all that was deere unto us.

And having also seene the late hellish designes and actings of a Malignant partie of this kingdome, and the bloody rebellion in Ireland, all working to retard the progresse, or subvert the being of this worthy Parliament, and therein to bereave us of all our hopes of Reformation, or future peace or happinesse to this Church or Kingdome. Wee cannot but ascribe all glory and praise unto the Lord of Lords, and expresse most hearty thankefull nesse unto his blessed Instruments that great assembly, for their undanted resolutions, unparalleld endeavours, and happy proceedings for the common good. And herein (as not the least meanes of our safety) for the most necessary and seasonable Ordinance of theirs touching the ordering of the Militia, whereby we art put under the command and guidance of so Noble a Lord, and such worthy Gentlemen, whereunto we humbly desire this present day and meeting may bee an evidence and pledge of our free and willing obedience.

And in having trusted our religion, and lawes, and all into the hands of that great and most faithfull Councell the Parliament, whose care and fidelitie wee have so abundantly found, we even bleed to see the heart and actions of our Royall King (contrary to his owne Royall expressions) declining from the Councels of His Parliament, and carried after other Councels, whom, as the Lawes and constitutions of this land have not knowne, nor repoled upon: so we (for our owne parts) neither will nor dare intrust with our Religion or Lawes. And whom we verily beleeve, could they prevaile against that highest Court (under God our chiefest Bulwarke and defence) would soone deprive us both of Religion and Law, and (notwithstanding all their specious pretences) reduce us to a condition no lesse miserable then slavish.

From the deepe apprehensions of all which we doe freely and heartily promise and tender our persons and estates to assist and defend (to the uttermost) the high Court of Parliament now assembled, the members power and priviledges thereof, and therein His Majesties person and authority, and the kingdomes peace, (according to our late Protestation) against all contrary counsels, power, and force of Armes whatsoever, which shall bee reard up, or attempted against them.

And this our humble acknowledement and resolution (which wee doubt not will bee accorded unto by all good subiects) wee humbly desire your Honour and Worships to tender on our behalfe unto that most Honorable Assembly of Parliament

For whose happy progresse and successe we shall daily pray.

The

The Lord Willoughby *of* parham *his Letter to an Honourable Member of the house of Parliament.*

My Lord,

I Received a Letter from your Lordship, in which the House is pleased to do me a very great Honour, farre above any desert of mine, and little expected by me: for my Lord, I well know my obedience tyes me to fulfill their Commands, and in that I have done, but my duty, and that which every honest man ought to doe, and oweth of right to the Parliament; and whosoever hath that principle in him, it will dictate to him as much, and keep him from other by-wales: And for my owne part my heart ever was and shall ever be, both forward and ready to obey their Lordships command in all things, both with Integrity and industry, and Gods curse light upon him and his, that carries any other heart about him. My Lord, it is too mean a way for me to expresse my acknowledgement in paper, to the House, for this high favour which I have received by your Lordships Letter. I hope to make it appear by my actions that their Lorships see, I am not an ungratefull servant. It is a great incouragement to these parts, their Lordships Resolutions, in giving their Commands to have the rest of the *Militia* put in present execution; and truly, my Lord. it was out of that regard that I did intimate it to my Lord of *Essex*, as holding it a thing much conducing to the publicke good, and the only remedy to cure these distractions which the Kingdom is in, not out of any regard to my selfe; for I know, if I suffer in executing their Lordships commands, it must be against their wills, and when that day comes, I will not give a straw for all I have, were I but a looker on. My Lord, as I was this day at *Lincoln* where I appointed to begin to Muster, there came a Messenger from his Majesty, with this Letter, which I held it my duty to acquaint the House with, and likewise my answer, and am for *Lincolne*, where, as in all other places, I shall be ready to serve your Lordship.

As your most humble servant,
F. WILLOUGHBY.

MY Lord, ere my Letter was sealed up, I could not but give your Lordship an accompt, in how good a Posture I found the trained Band of *Lincoln*, which was farre beyond my expectation considering the unhappinesse in the sicknesse being dispersed in the Town, which hindred the appearance of some; But truly my Lord that was fully supplyed by a Company of Volunteers, equall in number and goodnesse of Arms to the Trained Bands.

Lincoln, 6. Iune. 1642.

CHARLES REX.

Right trusty and welbeloved We greet you well. Whereas We understand, That you have begun to assemble, Train and Muster the Trained Bands of our County of Lincoln, *under pretence of an ordinance of Parliament, whereto We have not given Our consent; Which is not only contrary to Law, but to Our Command and Pleasure signified by Our Proclamation sent to the high Sheriff of that Our County: Wherefore That you may not hereafter plead Ignorance of such our prohibition; We do, by these Our Letters, Command, and charge you, upon your Allegiance, to desist and forbear to Raise, Muster, Train Exercise, or Assemble together any part of the Trained Bands of that Our County, either by your selfe. or by any others imployed under you. or by Warrant from you. And because you may, for what you have already done, concerning the* Militia *of that Our County, plead that you had not so particular a Command, We shall passe by what you have already done therein, So as present-*

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by upon your receipt hereof, you shall desist and give over meddling any further with any thing belonging to the Militia *of that Our County; But if you shall not presently desist, and forbear meddling therewith, We are resolved to call you to a strict Accompt for your Disobedience therein, after so many particular and legall Commands given you, upon your Allegiance to the contrary, and shall esteem and proceed against you as a disturber of the peace of Our Kingdom.*

Given at our Court at *York*, the fourth of *June*. 1642.

SIR,

AS there can be nothing of greater unhappinesse to me, then to receive a Command from your Majestie, whereunto my endeavours cannot give so ready an obedience, as my affections: so I must confesse the difficulty at this time not a little, how to expresse that duty which I owe to your Majesties late Commands, and not falsifie that Trust reposed in me by your high Court of Parliament; through whose particular directions I am now come into this Countey to settle the Militia, according to the Ordinance of Parliament which by the Votes of my Lord *Littleton* and others in the House of Peeres, better versed in the Laws then my self, passed as a Legall thing; and hath since been confirmed (if I mistake not) by his example, and your Majesties Chief Justice, Sir *John Banks*, both in accepting their Ordinance, and nominating their Deputy Lieutenants; how much farther they proceeded, I know not.

But Sir, if the opinions of those great Lawyers drew me into an act unsuitable to your Majesties liking: I hope the want of years will excuse my want of judgement. And since the Command of the Parliament, I am now so far ingaged in their service as the sending out Warrants to summon the County to meet me this day at *Lincoln*, and afterwards in other places: I do most humbly beseech your Majesty not to impose that Command on me, which must needs render me false to those that relie on me, & so make me more unhappier then any other misery can fall upon me.

These things, Sir, I once more humbly beseech your Majestie may be taken into your gracious consideration, & that you would never be pleased to harbour any misconceit of me, or of this action, since nothing hath yet passed by my Commands here, or ever shall; but what shall tend to the honour and safety of your Kingdom, and to the content (I hope) of all your Majesties Subjects in these parts; amongst which I remain.

Your Majesties *Most humble and dutifull Subiect and Servant.*

F. WILLOVGHBY.

The Approbation of both Houses.

THE Lords and Commons in Parliament assembled, being advertised by the Lord Leivtenant, and Deputy Leiutenants of the County of ESSEX, of their ready, full, and forward meeting of the Trayn-Bands of that County; and of a cheerefull accesse, of a very considerable number of Volunteers at their first appearing; Have thought fitt, to expresse unto them, the good sence they hould of their proceedings, so much conducing to the Generall safty of this Kingdome; And having likewise received from them a Declaration full of affections, and good inclinations, to maintaine our Religion, Lawes, Liberties, and priveledges of Parliament; Which they observe to be invaded by pernicious Councell, as indeed they have beene of late, in a more dangerous, and high manner then any age can parrallell: And having very prudently observed, in a right understanding, That the Kingdome, and the Kings authority and Person, can be no wayes maintained, but by the upholding the power and priviledges of Parliament; as by the late Protestation they acknowledge themselves bound unto, against all contrary Councells, Power, and force of Armes whatsoever. This iust and faithfull resolution of theirs, to the publique good; The Lords and Commons do not only approve, but commend, assuring them, that as their endeavors have been for the peace and happinesse of the King and Kingdome; So they will persist, in discharge of the great and publique trust, which lies upon them; to goe through all difficulties which may oppose the publique peace and welfare of this Kingdome: And will upon all occasions, bee ready to expresse particularly, to those persons from whom they have receaved such assurance of their affections and fidelities.

By the King.

A Proclamation proclaimed in *London* the ninth of *Iune* 1642. concerning Sir *Iohn Hotham*, and the *Maiitia*.

WHereas by the Statute made in the ſeventh yeere of King *Edward* the firſt, *The Prelates, Earles Barons, and Commonalty of the Realme affirmed in Parliament, That to the King it belongeth, and his part it is by his Royall Segniority ſtraitly to defend wearing of Armour, and all other Force againſt the Peace, and all times when it ſhall pleaſe Him, and to puniſh them which ſhall doe contrary, according to the Lawes and uſages of the Realme; and hereunto all Subjects are bound to aide the King, as their Soveraigne Lord at all ſeaſons, when needeſhall be.* And whereas We underſtand, That expreſly contrary to the ſaid Statute and other good Lawes of this our Kingdome, under colour and pretence of an Ordinance of Parliament, without Our conſent or any Commiſſion or warrant from Us. The Trained Bands, and the Militia of this Kingdome have beene lately, and are intended to be put in Armes, & drawne into Companies in a War-like manner, whereby the Peace and Quiet of Our Subjects is, or may be diſturbed: Wee being deſirous by all gratious and faire admonitions to prevent, That ſome malignant Perſons in this Our Kingdome doe not by degrees ſeduce Our good ſubjects from their due obedience to Us and the Lawes of this our Kingdome, ſubtilly indeavoring by a generall Combuſtion or Confuſion, to hide their miſchievous deſignes and intentions againſt the Peace of this our Kingdome and under a ſpetious pretence of putting Our Trained Bands into a Poſture, draw, & engage Our good Subjects in a Warlike Oppoſition againſt Us, as Our Towne of *Hull* is already by the Treaſon of Sir *Sir Iohn Hotham*, who at firſt pretended to put a Gariſon into the ſame, onely for Our ſecurity and ſervice.

We doe therefore by this Our Proclamation expreſly charge and Command all Our Sheriffes, and all Colonels, Lievtenant-Colonels, Serjant Majors, Captaines, Officers, and Souldiers belonging to the Trained Bands of this Our Kingdome, and likewiſe all high and petty Conſtables, and other Our Officers and Subjects whatſoever, upon their Allegiance and as they tender the peace of this Our Kingdome Not to Muſter, Levy, Raiſe, March, or to ſummon, or warne upon any Warrant Order or Ordinance for one or both Our Houſes of Parliament, (whereunto We have not, or ſhall not give Our expreſſe Conſent) any of our Trained Bands or other Forces to Riſe, Muſter March, or Exerciſe, without expreſſe Warrant under Our Hand, or Warrant from Our Sheriffes of the County, grounded upon a particular Writ to that purpoſe, under Our great Seale. And in caſe any of Our Trained Bands ſhall riſe or gather together, contrary to this Our command; Wee ſhall then call them in due time to a ſtrict account, and proceede legally againſt them as violaters of the Laws, and diſturbers of the Peace of the Kingdome.

Given at Our Court at Yorke *the* 27. *day of* May. 1642.

To

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The Meſſage of the Lords to the Houſe of Commons.

THe Lords have thought fit to let you know, how much they valew and approve the ſervice ſo much impor ing the ſafety of this Kingdome; and they doubt not of your readineſſe to concure with them, upon all occaſions to manifeſt the ſence they have, and ſhall retaine of his deſervings, which appeares the greater, by how much the difficultics (by thoſe circumſtances you have heare read) have beene greater. And as my Lord reſolves to make his intereſt their owne, in this ſervice. for the publique good, and ſafetie of this Kingdome, ſo they deſire you to joyne with them in ſo good and neceſſary a worke.

Reſolved by the Houſe of Commons to joyne with the Lords in this vote, and doe make the like reſolution for the deputy Lieutenants for the County of *Lincolne*, and deſire the Lords concurrence therein.

Ordered by the Lords in Parliament, That they agree with the Houſe of Commons, for the reſolution concerning the Deputy-Lieutenants of the County of *Lincolne*.

To my Noble Brother the Earle of *Holland*.

Brother,

IN obedience to the order of both Houſes of Parliament, I this day repaired to Burntwood (where about one four parts of the Trayned bands of *Eſſex*, were appointed to meete) for the putting of the ordinance for the Militia of this Countyin execution. I ſiw five Companies drawne out, being of the ordinary trayned Bands (and all that were deſigned to this place) whoſe numbers I found full, and their Armes compleat. For though about threeſcore Armes had beene formerly taken out of each company for the late ſervice about *Scotland*, yet a full ſupply was made by Volunteers, and one of the ſaid five Compaines (being under the conduct of Sir *William Maſhams* ſonne) was double to the uſuall liſt. A ſixt Company was drawne out, which conſiſted of neere five hundred able men, who came as Volunteers under the command of Sir *Thomas Barington's* younger ſonne. I cauſed the Declaration of both Houſes made for their indemnity, to be read at the head of each Company, And required the Captaines, Officers, and Souldiers to bee obedient to ſuch directions as ſhould be conveyed to them from me, or my deputy Lieutenants, according to the ſaid ordinance for the ſervice, of his Majeſty and his Parliament, in defence of the Kingdome. To which they did unanimouſly manifeſt a reſolution and reſpect, and a cheerfull readineſſe, therein to ſpend their lives and fortunes. Hereof I thought fit to give your Lordſhip this breefe accompt praying you to communicate the ſame to their Lordſhips. I having deſired my deputy Lieutenants to doe the ſame to the Houſe of Commons. I have this day received a petition from the Captaines and Leiutenants of the ſeverall companies here aſſembled, in the name of all the perſons belonging to the ſaid trayned bands, and with their full conſent expreſſed upon the reading of it, by their generall acclamations, and applauſe, in their ſeverall Companies, whereof I ſend your Lordſhip a coppy here incloſed. And ſo deſiring from God a bleſing upon all your counſells, I reſt.

Burntwood the 7. of *Iune*, 1642.

Your Lordſhips affectionate Brother
WARWICK.

Turne p.

A Declaration of the Lords and Commons in *Parliament*, concerning his Maieſties *P*roclamation.

THe Lords and Commons having peruſed His Majeſties Proclamation forbidding all His Majeſties Subjects, belonging to the Trained-Bands or *Militia* of this Kingdome to riſe, march, muſter, or exerciſe, by vertue of any Order or Ordinance of any one or both Houſes of Parliament, without conſent or Warrant from His Majeſtie, upon paine of puniſhment according to the Lawes.

Doe thereupon declare, That neither the Statute of the ſeventh of *Edward* the firſt therein vouched, nor any other Law of this Kingdome doth reſtraine, or make void the Ordinance agreed upon by both Houſes of Parliament, for the ordering and diſpoſing the *Militia* of the Kingdome, in this time of extreame and imminent danger, nor expoſe his Majeſties Subjects to any puniſhment for obeying the ſame, Notwithſtanding that his Majeſtie hath refuſed to give his conſent to that ordinance: but ought to be obeyed by the fundamentall Lawes of this Kingdom.

The Declaration of 7. Ed. 1. *Quoted in His Majeſties Proclamation, runneth thus.*

THe King to the Juſtices of His Bench ſendeth greeting: Whereas of late before certaine Perſons deputed to treate upon ſundry debates, had betweene Us, and certaine great men of Our next Parliament, after proviſion ſhall be made by Us, and the Common Aſſent of the Prelates, Earles, and Barons, That in all Parliaments, Treaties and other aſſemblies which ſhould be made in the Realme of *England* for ever, That every man ſhall come without all force and Armour, well and peaceably to the Honour of Vs, and the peace of Vs and Our Realme. And now in our next Parliament at *Weſtminſter*, after the ſaid Treaties the Prelates, Earles, Barons, and the Commonalty of Our Realme there aſſembled, to take advice of this buſine have ſaid, That to Vs it belongeth, and Our part is through Our Royall Seigniority ſtraightly to defend force of Armour, and all other force againſt Our peace at all times when it ſhall plaſe Us, and to puniſh them which ſhall doe contrary according to Our Lawes and Vſages of Our Realme.

And hereunto they are bound to aide Vs, as their Soveraigne Lord at all ſeaſons, when neede ſhall be. We command you, that you cauſe theſe things to be read afore you in the ſaid Bench, and there to be Inrolled.

Given at Weſtminſter *the* 30. *day of* October.

THe occaſion of this Declaration was for the reſtraint of Armed men from comming to the Parliament, to diſturbe the peace of it, and is very improperly alledged for the maintenance of ſuch Leavies, as are now raiſed againſt the Parliament. The title of the Statute being thus, To all Parliaments, and Treaties, every man ſhall come without Force and Armes. So that the Queſtion is not, whether it belong to the King or no to reſtraine ſuch forces; But if the King ſhall refuſe to diſcharge that Duty and Truſt wherher there is not a power in the two Houſes, to provide for the ſafety of the Parliament, and peace of the Kingdome, which is the end, for which the Ordinance concerning the *Militia* was made, and being agreeable to the ſcope and purpoſe of the Law, cannot in reaſon be adjudged to be contrary to it; For although the Law doe affirme it to be in the King, yet it doth not exclude thoſe, in whom the Law hath placed a power for that purpoſe: as in the Courts of Juſtice, the Sheriffs, and other officers and Miniſters of thoſe courts. And as their power is derived from the King by his Patents, yet cannot it be reſtrained by his Majeſties command, by his great Seale, or otherwiſe, much leſſe can the power of Parliament be concluded by his Majeſties command, becauſe the Authority thereof is of a higher and more eminent nature, then any of thoſe Courts.

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It is acknowledged, That the King is the Fountaine of Justice, and Protection; But the Acts of Justice and Protection, are not exercised in His own Person nor depend upon His pleasure but by His Courts, and by His Ministers, who must do their Duty therein, though the King in his owne Person shou'd forbid them; And therefore, if Judgements should be given by them against the Kings Will and Personall Command, yet are they the Kings Judgements.

The High Court of Parliament, is not onely a Court of Judicature, enabled by the Lawes to judge, and determine the Rights, and Liberties of the Kingdome, against such Patents, and Grants of His Majesty, as are prejudiciall thereunto; although strengthened both by His Personall Command, and by His Proclamation, under the great Seale: But it is likewise a Councell to provide for the necessities, prevent the imminent dangers, and preserve the publike peace and safety of the Kingdome, and to declare the Kings pleasure in those things as are requisite thereunto; and what they doe herein, hath the Stamp of Royall Authority, although His Majesty seduced by evill Counsell, doe in His owne Person, oppose, or interrupt the same. For the Kings Supreame Power, and Royall Pleasure, is exercised and declared in this High Court of Law, and Councell, after a more eminent and obligatory manner, then it can be by any personall Act or Resolution of His Own.

Seeing therefore the Lords & Commons, which are His Majesties great & Highest Councell, have ordained, That for the present and necessary Defence of the Realme, the Trained Bands, and Militia of this Kingdome should be ordered according to that Ordinance, And that the Towne of *Hull* should be committed to the custody of Sir *John Hotham*, to be preserved from the attempts of Papists and other malignant persons, who thereby might put the Kingdome into a combustion, which is so farre from being a Force against the Kings peace, that it is necessary for the keeping and securing thereof, and for that end alone is intended: And all his Majesties loving Subjects, as well by that Law as by other Lawes, are bound to be obedient thereunto, and what they do therein is according to that Law to be interpreted to be done, in ayd of the King, in discharge of that trust which he is tyed to performe; And it is so far from being lyable to punishment, that if they should refuse to doe it, or be perswaded by any Commission or Command of his Majestie to doe the contrary, they might justly be punished for the same, according to the Lawes and usages of the Realme for the King by his Soveraigntie is not enabled to destroy his people, but to protect and defend them: And the High Court of Parliament, and all other his Majesties Officers and Ministers ought to be subservient to that power and authority, which the Law hath placed in his Majestie to that purpose, though he himself in his own person should neglect the same.

Wherefore the Lords and Commons doe declare the said Proclamation to be voyd in Law, and of none effect, For that by the constitution and Policy of this Kingdome, the King by his Proclamation cannot declare the Law contrary to the Judgement and Resolution of any of the inferiour Courts of Justice, much lesse against the High Court of Parliament; for if it were admitted, that the King by his Proclamation may declare a Law, thereby his Proclamations will in effect become Lawes, which would turne to the subverting of the Law, and the Rights, and Liberties of the Subjects.

And the Lords and Commons doe require and command, all Constables, Petty-Constables, and all other his Maiesties Officers, and subjects whatsoever, to muster, Levie, Raise, March, and Exercise, or to Summon or Warne any upon Warrant from the Lievtenants, Deputy-Lievtenants, Captaines, or other Officers of the Trained bands, and all others according to the said Ordinance of both Houses; and shall not presume to Muster, Levie, Raise, March, Exercise, by vertue of any Commission, or other Authority whatsoever, as they will answer the contrary at their perills; and in their so doing, they doe further declare, That they shall bee protected by the power and Authority of both Houses of Paliament; And that whosoever shall oppose, question, or hinder them in the execution of the said Ordinance, shall bee proceeded against as violaters of the Laws, and disturbers of the peace of the Kingdome.

FINIS.